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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-2887-2022 (O&M)
Date of decision : 31.05.2023

Gurnam Singh

... Petitioner(s)

Versus

Sunita Devi and Others

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Raj Kumar Rana, Advocate for the petitioner.

Mr. Vipin Sharma, Advocate and
Mr. Surinder Mohan Sharma, Advocate
for respondent Nos.1 to 3.

ALKA SARIN, J. (ORAL)

CM-10175-CII-2023 & CM-6599-CII-2023

Learned counsel for the parties are *ad idem* that instead of hearing the applications, the main case itself be heard.

In view of the above and with the consent of learned counsel for the parties, the main case (**CR-2887-2022**) is taken on Board today itself. CMs stand disposed off.

CR-2887-2022

1. Challenge in the present revision petition is to the order dated 19.05.2022 whereby the Trial Court has directed as under :

“Heard. Careful perusal of the whole file, it is clear that

vide order dated 17.9.2020 an injunction order was

granted in favour of plaintiffs. Vide order dated 6.8.2021, report from the concerned SHO was called. Vide order dated 2.9.2021 report was received. As per the report, defendants are creating hindrance in the lawful and peaceful cultivating possession of the plaintiffs over the land bearing Khawat/Khatuni No.213 min 265, 266, khasra No.31/8, 31/9, 31/10 total measuring 24 kanals according to the jamabandi for the year 2016-2017 situated within the revenue estate of the village Panjal, HB No.226, Sub-Tehsil Saha, Tehsil, Ambala Cantt, District, Ambala. So, necessary police protection is hereby provided. SHO PS Saha is directed to provide a necessary police help to the plaintiffs. He is directed to register an FIR against the defendants, if any unnecessary and illegal interference be caused by the defendants.”

2. On 26.07.2022 the following order was passed by this Court :

“Learned counsel for the petitioner would contend that vide order dated 17.09.2020 (Annexure P-4) interim injunction was granted in favour of the plaintiff-respondents. The said order has been challenged in an appeal and the same is still pending. It is further the contention that an application under Order 39 Rule 2-A of the Code of Civil Procedure, 1908 has also been filed

by the plaintiff-respondent. It is further the contention of learned counsel that the defendant-petitioner is in actual physical possession of the property and by way of the impugned order the suit itself stands decreed at the interim stage.

Notice of motion returnable 24.11.2022.

Meanwhile, operation of the impugned order dated 19.05.2022 shall remain stayed.”

3. Learned counsel for respondent Nos.1 to 3 has pointed out that the appeal is fixed for hearing on 17.08.2023.

4. Since the appeal itself is pending for 17.08.2023, this Court deems it appropriate to dispose off the present revision petition with a request to the Appellate Court to hear and decide the appeal on the date already fixed and till then the proceedings under Order 39 Rule 2A of the Code of Civil Procedure, 1908 shall remain in abeyance.

5. Disposed off accordingly. Pending applications, if any, also stand disposed off.

31.05.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO